

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington DC 20554

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Federal Communications Commission  
Office of Secretary

In the Matters of )  
)  
Implementation of the )  
Telecommunications Act of 1996: )  
)  
Reform of Filing Requirements )  
and Carrier Classifications )  
)  
Anchorage Telephone Utility )  
Petition for Withdrawal of )  
Cost Allocation Manual )

CC Docket No. 96-193

DOCKET FILE COPY ORIGINAL

AAD 95-91

COMMENTS OF U S WEST, INC.

U S WEST, Inc. ("U S WEST") hereby files its comments in the above-captioned docket.<sup>1</sup>

For the most part U S WEST finds the Notice (and the Order itself) to represent a reasonable response to the statutory imperatives of Section 402(b)(2)(B) of the Telecommunications Act of 1996.<sup>2</sup> This section of the 1996 Act directs the Federal Communications Commission ("Commission") to permit any common carrier "to file cost allocation manuals and ARMIS reports annually, to the extent

<sup>1</sup> In the Matters of Implementation of the Telecommunications Act of 1996: Reform of Filing Requirements and Carrier Classifications, Anchorage Telephone Utility, Petition for Withdrawal of Cost Allocation Manual, CC Docket No. 96-193, AAD 95-91, Order and Notice of Proposed Rulemaking, FCC 96-370, rel. Sep. 12, 1996 ("Notice" or "Order").

<sup>2</sup> Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 ("1996 Act").

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such carrier is required to file such manuals or reports.”<sup>3</sup> These comments briefly address two aspects of the proposal set forth in the Notice: a) the proposal to continue to require 60-day advance filings for cost allocation manual (or “CAM”) amendments providing for new cost pools or time reporting procedures; and b) the proposal to advance the filing date for the annual ARMIS Infrastructure Report to April 1.

I. ADVANCE NOTICE FOR COST ALLOCATION  
MANUAL AMENDMENTS

The Notice observes that, while the 1996 Act envisions CAM amendments filed only once a year, single yearly filings do not seem to make sense if such an amendment could not take effect until two months after filing.<sup>4</sup> In such an environment, local exchange carrier (“LEC”) innovation could be seriously stifled by regulatory implementation of a statutory provision clearly meant to be deregulatory. The Commission proposes two alternative solutions: a) to continue the existing rule that prior filing is required for CAM amendments which modify cost pools or time reporting; or b) to require waivers whenever a LEC wishes to modify cost pools or time reporting and does not wish to wait a year (or so) prior to implementing the changes.

We have some sympathy for the fact that the Commission seems to be in a bit of a contradictory position on account of Section 402(b)(2)(B). The 1996 Act clearly

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<sup>3</sup> Id. 110 Stat. at 129 § 402(b)(2)(B).

<sup>4</sup> Notice ¶¶ 20-21.

envisions that the burdens of CAM filings on a more frequent than annual basis be eliminated. Prefiling of designated amendments would seem to contradict the 1996 Act because such required filings would of necessity be on a more frequent basis than annually. Thus, a literal interpretation of the 1996 Act would seem to prohibit the Commission from requiring prefiling of any CAM amendments; something the Commission does not propose in this proceeding. Indeed, the Commission (without any evidence, as far as we can tell) seems convinced that the public interest would suffer if CAM amendments modifying cost pools or time reporting could be made like other amendments and simply reported annually with other modifications. Thus, the 1996 Act seems to require something which the Commission finds contrary to the public interest.

The Commission's solutions as proposed in the Notice are both needlessly regulatory in nature. The Commission's second solution -- continuation of the prefiling rule but not permitting the filings to be made -- would be arbitrary. The 1996 Act was clearly not designed to make it more difficult to amend CAMs -- yet this proposal would accomplish precisely this result, and nothing else.

The first solution -- continuing the existing prefiling requirements -- still does not seem to conform completely to the terms of the 1996 Act. However, as a practical matter, prefiling (so long as no actual delay-provoking approval is required) is not overly burdensome, and U S WEST would not object to continuing some limited prefiling rule pending examination of the necessity of prefiling on an appropriate record. However, the 60-day prefiling requirement is overly long and

serves no useful purpose. The Commission should simply require that CAM amendments modifying cost pools or time reporting be filed prior to adoption, without specifying any time limits. There is no evidence that the 60-day waiting period for these types of amendments serves any useful purpose, and it should be eliminated. The Commission should also move quickly to examine the necessity and wisdom of the prefiling rules themselves.

## II. ARMIS FILINGS

The Commission proposes to have all annual ARMIS filings made on April 1 of each year, finding that there is no perceptible reason for having different filing dates (the Infrastructure Report is currently filed on June 30).<sup>5</sup> While U S WEST is supportive of the vast bulk of the Commission's actions and proposed actions in the Notice concerning ARMIS reporting, consolidating the filing dates of all annual ARMIS filings has several weaknesses.

First, at least at U S WEST, the ARMIS reports filed in April and in June are both prepared by the same people. These employees are already fully engaged in preparing the April 1 reports, and adding additional April 1 reporting requirements would be disruptive and overly burdensome for the U S WEST work force. Since U S WEST files ARMIS reports for sixteen study areas (including U S WEST total), the impact on the work force is a particularly acute problem for U S WEST. For

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<sup>5</sup> Id. ¶ 26.

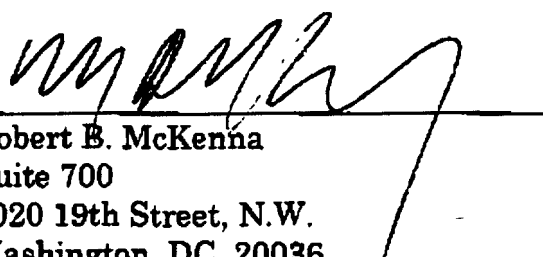
example, the U S WEST 1995 ARMIS 43-07 (Infrastructure Report) contained 130 pages with over 4400 data points.

Moreover, U S WEST has established an internal review process, whereby the data for the Infrastructure Report is cross-checked and scrutinized against the other reports for accuracy and quality. The proposed change in date would reduce the ability to perform some of the cross-report validation due to a limit in time and an overburdened staff. We do not suggest that the Commission prohibit LECs from filing their Infrastructure Reports on April 1, however, continuation of the June 30 date would provide significantly less burden to LECs and would thus be consistent with the pro-deregulatory intent of Section 402 of the 1996 Act.

Respectfully submitted,

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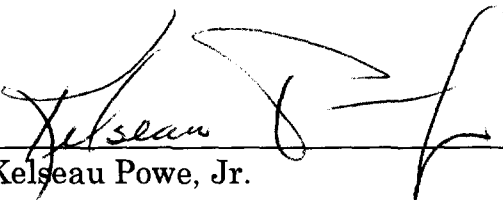
Its Attorney

Of Counsel,  
Dan L. Poole

October 15, 1996

## CERTIFICATE OF SERVICE

I, Kelseau Powe, Jr., do hereby certify that on this 15th day of October, 1996,  
I have caused a copy of the foregoing **COMMENTS OF U S WEST, INC.** to be  
served via hand delivery upon the persons listed on the attached service list.

  
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